

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LANDON JOE BLACK,

Defendant.

Case No. CR-23-183-JFH

APPEAL OF MAGISTRATE JUDGE’S ORDER

COMES NOW the plaintiff, United States of America, by and through United States Attorney Christopher J. Wilson and Assistant United States Attorney Anthony C. Marek, and pursuant to Local Criminal Rule 12.1(J) and 18 U.S.C. § 3145, respectfully moves this Honorable Court to review and reverse the order of United States Magistrate Judge D. Edward Snow setting conditions of release as to Defendant, and to enter a detention order under 18 U.S.C. § 3142(e).

Status of the Case

Defendant is named in a four-count indictment that charges him with two counts of production of child pornography, 18 U.S.C. §§ 2251(a) and (e), one count of advertisement of child pornography, 18 U.S.C. §§ 2251(d) and (e), and one count of possession of child pornography, 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2). (Doc. No. 3.) The United States filed a motion for pretrial detention (Doc. No. 8), and Defendant requested a detention hearing, which was held on October 30, 2023, before United States Magistrate Judge D. Edward Snow (Doc. No. 19).

Standard of Review

A district court’s review of a detention decision by a magistrate judge is *de novo*. *United*

States v. Cisneros, 328 F.3d 610, 616 n. 1 (10th Cir. 2003) (citing *United States v. Maull*, 773 F.2d 1479, 1481 (8th Cir. 1985); *United States v. Rueben*, 974 F.2d 580, 585-86 (5th Cir. 1992)).

Local Criminal Rule 12.1(J) provides:

At the conclusion of a bond hearing pursuant to 18 U.S.C. § 3142 in which a Magistrate Judge has set a bond which will result in release of a defendant if the conditions of the bond are met, an announcement in open court by the prosecutor that the government intends to appeal the bond to a District Judge shall result in an immediate stay of the bond set by the Magistrate Judge. Such stay shall continue until 5:00 p.m. that day, or in the event the bond is set in open court after 5:00 p.m., until 9:30 a.m. the morning of the following business day, unless the prosecutor shall file an “Appeal of Magistrate Judge’s Order” with the Court Clerk, upon which the stay shall become permanent unless and until it is lifted by a District Judge. The “Appeal of Magistrate Judge’s Order” may be summary in form and need not be typed, but it shall be filed on or before the close of the business day following the day the bond was set by the filing of a detailed factual statement, in proper form, setting forth the grounds of appeal.

Summary Argument

At the detention hearing, the United States argued that Defendant could not rebut the presumption “that no condition or combination of conditions will reasonably assure the appearance of [Defendant] as required and the safety of the community” that arises because a grand jury found probable cause to believe that Defendant committed offenses involving minor victims under 18 U.S.C. §§ 2251(a), (d), and (e). *See* 18 U.S.C. § 3142(e)(3)(E).

This filing is intended to be “summary in form” and will be followed by the filing of a detailed factual statement, in proper form, setting forth the grounds of appeal.

Respectfully submitted.

CHRISTOPHER J. WILSON
United States Attorney

s/ Anthony C. Marek
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CERTIFICATE OF SERVICE

I, hereby certify that on October 30, 2023, I electronically transmitted the attached documents to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Jarred Lucas Jennings, Attorney for Defendant

s/ Anthony C. Marek
ANTHONY C. MAREK
Assistant United States Attorney